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**VIA ECFS**

August 4, 2016

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, DC 20554

Re: Notice of Ex Parte Presentation, MB Docket No. 16-42, CS Docket No. 97-80

Dear Ms. Dortch:

On August 2, 2016, Anthony Wood, founder and CEO of Roku, Inc., Stephen H. Kay, General Counsel of Roku, and Trey Hanbury and Alexi Maltas of Hogan Lovells as counsel to Roku, met with: (1) Commissioner Clyburn and David Grossman, Chief of Staff; (2) Commissioner Rosenworcel, Marc Paul, Legal Advisor, and Jennifer Thompson, Special Advisor; (3) Commissioner Pai and Matthew Berry, Chief of Staff; and (4) Commissioner O'Rielly and Robin Colwell, Chief of Staff. On August 3, 2016, Messrs. Kay, Hanbury, and Maltas, along with Steve Shannon, General Manager, Content and Services of Roku, spoke by telephone with: Gigi Sohn, Counselor to the Chairman, Scott Jordan, Chief Technologist, Jessica Almond, Legal Advisor to the Chairman, and John Williams, Office of General Counsel.

The Roku representatives explained that Roku has been a pioneer in video streaming and has built a large-scale distribution platform based on Roku's proprietary operating system. Roku's OS was developed specifically for streaming content to the TV and is designed to run on low-cost hardware components. In addition to offering market-leading streaming players, Roku also licenses its technology to multiple TV manufacturers that build value-priced smart TVs utilizing Roku's OS to provide a single, easy-to-use device for accessing a wide variety of linear and on-demand video content. Roku's innovative products provide alternatives to traditional cable-provided set-top boxes, and represent the innovative spirit, and expansion of device competition, that the Commission is aiming to promote in this proceeding.

The Roku representatives emphasized that any new rules adopted by the Commission in this proceeding should be technology and platform neutral because consumers have demonstrated their preference for an array of devices with diverse user experiences at various price points, which has spurred competition and rapid innovation in the marketplace.

The Roku representatives reiterated their concern that the proposal recently put forth by MVPDs would, as a practical matter, establish HTML5 as the *de facto* technology standard.

Consistent with the points made in Roku's previous submission,<sup>1/</sup> the Roku representatives reiterated their view that such an approach would be ill advised. The Roku representatives emphasized that HTML5 is a bulky architecture that would require third-party device manufacturers to include additional processing power and memory to support it, even in their lowest-priced devices. In addition, the lengthy process that would be required to implement an HTML5-focused apps approach would likely slow the pace of innovation and would limit product differentiation in the marketplace once implemented.

The Roku representatives suggested that a far less complex way for the Commission to unleash further innovation and accelerate industry evolution is to require MVPDs to support seamless authentication of content-provider apps on third-party streaming devices. Such content provider apps already exist, and they enable consumers who have paid an MVPD for content to access that content directly from the content provider through a dedicated app on a streaming device, such as a Roku player, Roku TV, Apple TV, Amazon Fire TV and numerous other devices. Through content provider apps such as ESPN Go, Fox Now, HBO Go, Showtime Anytime, and many, many others, consumers can use third party streaming devices to access content that they could also receive through an MVPD-provided set top box. But usage of these content-provider apps is inhibited, principally because the authentication process is cumbersome and confusing for consumers, causing a high barrier to adoption. A consumer must authenticate their credentials before using each app, which generally requires the user to separately enter their MVPD account user name and password for the ESPN app, then again for the Fox app, then again for the HBO app, then again on the Showtime app, and so on. In addition, the authentication process often has to be repeated on a periodic basis.

A mandate that MVPDs provide seamless authentication of content-provider apps would give consumers a genuine choice for how to access the content that they have rights to receive by removing the friction from the authentication process. In many instances, consumers access these alternative apps while in their home from a broadband provider that is also their MVPD, and in these cases authentication could be automated via the MVPD gateway or modem. Adopting rules that enhance the usability of programmer apps by requiring seamless authentication has several virtues:

- Consistent With Commission Goals: Seamless authentication would give consumers a genuine alternative to the MVPD provided set-top box to access a wide selection of the content for which they have paid.
- Concrete, Readily Achievable Outcome: Seamless authentication is relatively easy to implement, and could provide rapid benefits. It is also not theoretical – these apps already exist in the marketplace, and are running on multiple technology platforms.
- Technology Neutral: Seamless authentication would enable consumers to access content provider apps on multiple device types, without preferring or mandating any particular technology or platform.

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<sup>1/</sup> See Roku, Inc., Notice of Ex Parte, MB Docket No. 16-42, CS Docket No. 97-80 (filed July 8, 2016).

- Accelerates Industry Trends: The industry is already moving to streaming content to the TV with more options for consumers to access content from multiple sources on a variety of devices.
- Spurs Innovation Throughout the Ecosystem: If content provider apps are easier for consumers to use, content owners will have the incentive and opportunity to have their apps become the preferred source for consumers to access their content. MVPDs will also have greater motivation to innovate and improve their apps. And device makers will continue to innovate to provide the top-level user interface, search, and organization of content to enable consumers to find and access the content of their choosing.
- Respects Content Rights: Unlike some proposals in the record, seamless authentication does not disintermediate content owners or MVPDs, but instead respects the content owners' rights and the licensing agreements that exist between content owners and distributors.

The Commission therefore should adopt regulations that require MVPDs to fully support content provider apps that deliver content directly to users who are paying for such content as part of an MVPD's programming package. In the event that authentication occurs via the MVPD's modem or home gateway, the authentication process should be automated.

Please contact the undersigned with any questions.

Sincerely,

*/s/ Trey Hanbury*

Trey Hanbury  
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cc: Commissioner Clyburn  
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